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October 4, 2013

United States District Court
For The Western District of Virginia
Lynchburg Division
Attn: Judge Ballou
C/O Clerk
1100 Main Street
Lynchburg, Virginia 24505

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

OCT 04 2013

JULIA C. DUDLEY, CLERK
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Ralph L. Hayes, Plaintiff)
)
v.)
)
Lynchburg City School Board, Defendant)

Reference: Civil Action No.: 6:13CV00008

**PLAINTIFF MEMORANDUM OF LAW IN OPPOSITION TO MOTION FOR MOTION
TO WITHDRAW AS COUNSEL**

Counsel for the plaintiff has filed a motion to withdraw from representation of plaintiff. The plaintiff now files this Memorandum of Law in Opposition and respectfully requests that the motion is denied at this time.

I. INTRODUCTION

On December 31, 2012, plaintiff signed a contract for John B. Simpson, Counsel, to represent him in the above case in which he then signed on January 04, 2013. The plaintiff only met Mr. Simpson in person twice (2) in which plaintiff has furnished all documents per Mr. Simpson's request and abided by their contract to the letter.

II. ARGUMENT

Counsel for Ralph L. Hayes now seeks to withdraw. As for the communication I have either emailed all required documents to counsel as instructed in a timely manner. My issue was

counsel "forgot" my mobile number and was dialing the wrong number until August 2, 2013 in which I gave him my number that was on file during our consultation. Our second meeting since December 2012 was September 16, 2013 one week before a scheduled meeting, September 24, 2013, with defendant's counsel. Our meeting was to discuss the deposition in which Mr. Simpson provided me a notebook which book marked a paged in which the defendants counsel gave reason for my dismissal that was the wrong policy number / job description. Mr. Simpson also talked about his other clients in which he stated "this case is different" since he is use to handling businesses, talked about Trayvon Austin and never about how to prepare for the disposition but money was also discussed which I felt was time to leave. I immediately called to speak to the managing partner the within an hour of leaving MartinWren Law office which I left a message for Mr. Byrne. I did not speak to Mr. Byrne until September 19, 2013 regarding our meeting on Monday and which he agreed to speak to Mr. Simpson about my concerns which I never heard from since. I responded back to Mr. Simpson the following day, September 20, 2013, which he responded back about notifying Defendant's counsel to reschedule and will be sending the court his Motion to Withdraw?

Here, the withdrawal of counsel is likely to create a substantial disruption to the timely resolution of this case. For this reason, absent the substitution of counsel with replacement counsel, the Plaintiff asks the Court to deny the request for withdrawal, or to at least delay the withdrawal of counsel until the filing for dispositive motions deadline to hear such motions are complete.


If this motion is granted the plaintiff will have financial difficulties in searching for another counsel to represent him in which deadlines for this case in nearing and this would not be justice. There are deadlines that have to be met and I do not have the time, experience or additional finances to spend. I have paid Marten Wren, P.C. \$6,715.00 and was about to send a check in the amount of \$382.50 on September 30, 2013.

CONCLUSION

Wherefore, Plaintiff respectfully requests that the Motion To Withdraw as Counsel be denied so justice can be served.

Dated: October 4, 2013

Respectfully submitted,


Ralph L. Hayes
Plaintiff

CERTIFICATION

This is to certify that a copy of the foregoing PLAINTIFFS MEMORANDUM OF LAW IN OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL was sent this 3rd day of October, 2013 to:

Via 1st Class Mail and email

John B. Simpson
MartinWren, P.C.
1228 Cedars Court
Charlottesville, Virginia 22903-4801
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Counsel for Plaintiff

Via 1st Class Mail

John C. Johnson, Esquire
Frith Anderson & Peake
P.O. Box 1240
Roanoke, Virginia 24006-1240

Counsel for Defendant